

TV (LAW)

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United States Attorney
District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FLORENCE T. NAKAKUNI #2286
Chief, Drug/Organized Crime Section

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10:00 AM
CLERK, U.S. DISTRICT COURT
DISTRICT OF HAWAII

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00217 DAE
)	
Plaintiff,)	ORDER CONTINUING TRIAL TO
)	MARCH 21, 2006 AND EXCLUDING
vs.)	SPEEDY TRIAL TIME
)	
HUGO SERNA,)	
)	<u>Trial Date:</u>
Defendant.)	
)	Previous: January 24, 2006
)	New: March 21, 2006
)	
)	

ORDER CONTINUING TRIAL TO MARCH 21, 2006
AND EXCLUDING SPEEDY TRIAL TIME

On December 12, 2005, a status conference hearing was held before the Court in the above-referenced matter. Present at this hearing were local counsel for Defendant SERNA, Richard Gronna, Esq., and Assistant United States Attorney ("AUSA") Louis

Bracco representing the Government. With the approval of the Court, the presence of Defendant SERNA was waived. The purpose of the status conference was to determine a feasible trial date in view of the below stated difficulties presently affecting mainland defense counsel, Robert Lyons, Esq.

Mr. Gronna advised the Court that the legal practice of mainland counsel Robert Lyons, Esq. has been substantially disrupted as a result of his law partner's serious illness. As a result of his partner's serious illness, it has been necessary for Mr. Lyons to take over all of his partner's cases (in addition to his own cases). Of immediate concern, Mr. Lyons has assumed responsibility for a six-week state murder trial in California which is due to commence prior to the Christmas holidays. This trial and other matters will require the bulk of Mr. Lyons' attention from the present time, continuing into at least February 2006.

Moreover, the disruptive effect of his partner's illness upon Mr. Lyons' law practice is compounded by the fact that the law firm's paralegal assistant is Mr. Lyons' partner's daughter, who is understandably unavailable to work full-time due to her father's serious illness. Mr. Gronna has advised the Court that Mr. Lyons has informed him that a trial date in late March 2006 should provide Mr. Lyons with sufficient time to

adequately prepare for trial in Defendant SERNA's case, given the present compelling circumstances.

AUSA Bracco has advised the Court that, based on the representations of Mr. Gronna concerning the present circumstances affecting Mr. Lyons and his law practice, the Government does not object to a continuance of trial to a March 2006 trial date, provided, that the Court finds that the time of such continuance is properly excludable from the computation of speedy trial time.

In view of the serious illness of Mr. Lyons' law partner, and the disruptive effect that such illness has had on Mr. Lyons' ability to adequately investigate the facts and to otherwise prepare for Defendant SERNA's trial, the Court finds that the proposed continuance of trial is reasonable under the circumstances. The Court finds that the ends of justice are best served by granting the continuance provided for herein, and, that such continuance outweighs the interests of the public and the Defendant in a speedy trial. The Court finds that failure to grant such continuance would deny Defendant SERNA continuity of trial counsel, and, would unreasonably deny defense counsel the time necessary for effective case preparation, taking into account due diligence. Accordingly,

IT IS HEREBY ORDERED that trial in this matter be continued from its present setting of January 24, 2006, to

9:00 a.m. on March 21, 2006. A pre-trial conference hearing is set before the criminal duty magistrate for 10:00 a.m. on February 21, 2006. Defendant shall have until February 7, 2006 to file any pre-trial motion(s); responses by the Government to such motion(s) are to be filed by February 21, 2006.

IT IS FURTHER ORDERED that the period of time between December 12, 2005 (the status conference hearing date) to and including March 21, 2006 (the new trial date) be excluded from the computation of speedy trial time pursuant to 18 U.S.C. §§ 3161(h), (8)(A) & (8)(B)(i) & (iv).

SO ORDERED.

DATED: DEC 20 2006, at Honolulu, Hawaii.



KEVIN S.C. CHANG
UNITED STATES MAGISTRATE JUDGE

USA v. Hugo Serna
Cr. No. 05-00217 DAE
"Order Continuing Trial to March 21, 2006 and Excluding Speedy Trial Time"